IN THE CLAIMS

Please cancel claim 45 without prejudice.

Please amend the claims as follows:

44. (twice amended) A method of diagnosing or evaluating human cancer in a patient comprising:

measuring the level of amplification in a tissue or tumor sample containing cells from said patient or increased expression of a MAC117 gene in a body sample from said patient, the presence of amplification or increased expression of said MAC117 gene indicating the presence of cancer or a cancer with a more malignant phenotype [caused by amplification or increased expression of said MAC117 gene].

46. (amended) The method according to claim 44, wherein said gene encodes the polypeptide encoded by the nucleic acid which comprises the following nucleotide sequence:

GTCTACATGGGTGCTTCCCATTCCAGGGGATGAGCTACCTGGAGGATGTGCGGCTCG

TACACAGGGACTTGGCCGCTCGGAACGTGCTGGTCAAGAGTCCCAACCATGTCAAAA

TTACAGACTTCGGGCTGGCTCGGCTGCTGGACATTGACGAGACAGAGTACCATGCAG

ATGGGGGCAAGGTTAGGTGAAGGACCAAGGAGCAGAGGAGGCTGGGTGGAGTGGTG

TCTAGCCCATGGGAGAACTCTGAGTGGCCACCTCCCCACAACACACAGTTGGAGGAC

TTCCTCTTCTGCCCTCCCAGGTGCCCATCAAGTGGATGGCGCTGGAGTCCATTCTCCG

CCGGCGGTTCACCCACCAGAGTGATGTGTGGAGTTATGGTGTGTGATGGGGGGTGTT

GGGAGGGGTGGGTGAGGAGCCATGG.

60. (amended) A method of diagnosing human cancer in a patient comprising:

(a) detecting amplification, rearrangement or [overexpression] <u>increased</u>

<u>expression</u> of [the] <u>a</u> MAC117 gene <u>in a tissue or tumor cell sample from said patient</u> by

hybridizing nucleic acid derived from a tissue <u>or tumor cell</u> sample of said patient with a nucleic

acid probe of the MAC117 gene<u>, the amplification, rearrangement or increased expression of said</u>

<u>MAC117 gene indicating the presence of human cancer in said patient</u>; or

(b) detecting abnormal expression of the protein product of the MAC117 gene by

reacting a body sample of said patient with antibodies having specific binding affinity for at least a

portion of [a MAC117 polypeptide] <u>the protein product, the abnormal expression of said protein</u>

<u>product of said MAC117 gene indicating the presence of human cancer in said patient</u>.

61. (amended) A method of classifying cancers comprising:

[measuring the level of] <u>detecting</u> amplification or <u>increased</u> expression of a

MAC117 gene in a <u>body</u> sample from a patient <u>diagnosed with cancer</u>, and

classifying those cancers <u>from patients whose body samples show</u> [having]

amplification or increased expression of said MAC117 as <u>being correlated with</u> [caused by the]

amplification or increased expression <u>of the MAC117 gene</u>.